

VIA ECF

July 30, 2025

The Honorable Lorna G. Schofield
United States District Court
Southern District of New York
500 Pearl Street
New York, NY 10007

Re: *In re Axsome Therapeutics, Inc., Securities Litigation*, No. 1:22-cv-03925 (LGS)

Dear Judge Schofield,

Counsel for Lead Plaintiffs Thomas Giblin , Paul Berger, for himself and as sole trustee of the Paul Berger Revocable Trust, and Paul Sutherland (collectively, “Lead Plaintiffs”) and Defendants Axsome Therapeutics, Inc. (“Axsome”), Dr. Herriot Tabuteau, and Mark Jacobson (collectively, “Defendants” and, with Lead Plaintiffs, the “Parties”) write jointly to submit this status letter pursuant to the Court’s May 2, 2025 Order (ECF No. 96) and Rule III.D.3 of the Court’s Individual Rules and Procedures for Civil Cases.

Discovery To Date

On May 9, 2025, Lead Plaintiffs and Defendants served their First Set of Requests for Production of Documents upon each other. On June 20, 2025, Defendants produced to Lead Plaintiffs insurance agreements pursuant to Fed. R. Civ. P. 26(a)(1). These documents are also responsive to Lead Plaintiffs’ document requests. Lead Plaintiffs served their responses and objections to Defendants’ First Set of Requests for Production of Documents on July 9, 2025. Defendants served their responses and objections to Lead Plaintiff’s First Set of Requests for Production of Documents on July 11, 2025.

On June 11, 2025, Lead Plaintiffs served their First Interrogatory to Defendants. Defendants served their objections and answer on July 11, 2025.

On July 2, 2025, Axsome served its First Sets of Interrogatories on Lead Plaintiffs. Lead Plaintiffs’ deadline to respond is August 1, 2025.

On June 26, 2025, Lead Plaintiffs served a subpoena for documents on the U.S. Food and Drug Administration (“FDA”), demanding compliance by July 16, 2025. On July 15, 2025, to accommodate Defendants’ request and to allow the parties and FDA to continue to meet and confer concerning the subpoena’s scope in the hope of avoiding motion practice, Lead Plaintiffs revised their subpoena to the FDA to extend the compliance deadline to August 8, 2025.

Procedural History

Pleadings

- Former Plaintiff Evy Gru filed the initial Class Action Complaint on May 13, 2022 (ECF No. 1).
- Former Co-Lead Plaintiffs Evy Gru and Santoshanand Thakkar filed the first Amended Class Action Complaint on October 7, 2022 (ECF No. 37).
- Lead Plaintiffs filed the operative Second Amended Class Action Complaint on February 7, 2024 (ECF No. 76).
- Pursuant to the Court's May 28, 2025 Order (ECF No. 101), Defendants filed their answer to the Second Amended Class Action Complaint on June 30, 2025.

Motions

Aside from motions for pro hac vice appearances, motions related to appointment of lead counsel and lead plaintiff, motions for leave to file enlarged briefs, and scheduling motions, which are not identified here, the following motions have been filed and decided by the Court:

- Defendants filed their Motion to Dismiss the Amended Class Action Complaint on December 16, 2022 (ECF No. 41).
- Defendants filed their Motion to Dismiss the Second Amended Class Action Complaint on March 11, 2024 (ECF No. 79).

Pending Motions

There are no pending motions.

Next Steps

The Parties are proceeding with all discovery deadlines set forth in the May 2, 2025 Scheduling Order concerning Lead Plaintiffs' motion for class certification (ECF No. 96) and the Case Management Order (ECF No. 97), as amended by the Parties' requested extension of the schedule for class certification briefing and related proceedings by 60 days in light of their plan to engage in a private mediation session on July 31, 2025, which the Court granted on May 21, 2025. (ECF No. 99).

The Parties are scheduled to participate in a private mediation session on July 31, 2025, and will file a letter on the status of mediation within one week after the first mediation session, as ordered by the Court. (*Id.*)

The Parties shall proceed with all discovery deadlines set out in the Court's Orders noted above to ensure that they meet the Court ordered deadlines. (ECF Nos. 96, 97, 99, 101).

The Parties plan to file their next joint status letter on August 29, 2025, and to continue filing joint status letters every 30 days, as ordered in the Court's Order dated May 2, 2025 (ECF No. 96).

We thank the Court for its attention to this matter.

Respectfully submitted,

/s/ Matthew C. McDonough
Matthew C. McDonough

/s/ Michael Grunfeld
Michael Grunfeld

MORGAN, LEWIS & BOCKIUS LLP

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